

No. 95-1858

Supreme Court, U. S.

F I L E D

JUL 1 1996

IN THE

Supreme Court of the United States

OCTOBER TERM 1995

DENNIS C. VACCO, Attorney General of the State of New York; GEORGE E. PATAKI, Governor of the State of New York; and ROBERT M. MORGENTHAU, District Attorney of New York County,

Petitioners,

v.

TIMOTHY E. QUILL, M.D.; SAMUEL KLAGSBRUN, M.D.;
and HOWARD A. GROSSMAN, M.D.,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

**RESPONDENTS' OPPOSITION TO MOTIONS
TO FILE BRIEFS AMICUS CURIAE**

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Respondents oppose the motions for leave to file briefs amicus curiae submitted by the United States Catholic Conference, et al., the Catholic Medical Association, Agudeth Israel of America, and Seven Present and Former Commissioners of the Commission on Civil Rights and a Former Chairman of the Equal Employment Opportunity Commission on the grounds that these amici fail to meet the directives of Supreme Court Rule 37.1.

Rule 37.1 makes plain that amicus curiae briefs are appropriate only when they bring relevant matter to the attention of the Court that has not already been brought to its attention by the parties. The briefs proposed by amici do not serve this purpose and therefore burden the Court. *See id.* Accordingly, after amici advised respondents of the arguments they intended to make to the Court, respondents denied consent to amici participation at this stage of proceedings. When the consent of all parties has not been obtained at the certiorari stage, a motion for leave to file an amicus curiae brief is disfavored. Supreme Court Rule 37.2(b).

Petitioners have already addressed at length the issues briefed by amici. For instance, several amici restate petitioners' position that the decision below conflicts with other courts in a manner that warrants this Court's review. Each of the amicus briefs also repeats views fully discussed by petitioners regarding purported distinctions between alternative methods of hastening death. This redundancy is burdensome to the Court and is disfavored by the rules governing amicus participation.

The amici moving to participate at this stage of proceedings are, with a single exception, religious organizations. The questions regarding end-of-life decisions implicated in this case are clearly of interest to religious organizations; so too are questions relating to the beginning of life. However, religious teachings cannot be permitted to affect the decisions

of this Court. As stated in *Planned Parenthood v. Casey*, 112 S. Ct. 2791, 2806 (1992), the Court's "obligation is to define the liberty of all, not mandate [its] own moral code."

For the foregoing reasons, respondents submit that the motions for leave to file briefs amicus curiae should be denied.

Respectfully Submitted,

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